

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**NORTHUMBERLAND COUNTY)
RETIREMENT SYSTEM and)
OKLAHOMA LAW ENFORCEMENT)
RETIREMENT SYSTEM, Individually)
and On Behalf of All Others Similarly)
Situating,**)

Plaintiffs,)

vs.)

**GMX RESOURCES, INC., KEN L.)
KENWORTHY, JR., JAMES A.)
MERRILL, JEFFERIES & COMPANY,)
INC., HOWARD WEIL)
INCORPORATED, MORGAN KEEGAN)
& COMPANY, INC., CAPITAL ONE)
SOUTHCOAST, INC., COLLINS)
STEWART, LLC, PRITCHARD)
CAPITAL PARTNERS, LLC, TUDOR,)
PICKERING, HOLT & CO.)
SECURITIES, INC., MERRILL LYNCH,)
PIERCE, FENNER & SMITH)
INCORPORATED, BBVA SECURITIES,)
INC., FORTIS SECURITIES LLC,)
WEDBUSH MORGAN SECURITIES,)
INC., CREDIT SUISSE SECURITIES)
(USA) LLC and SMITH CARNEY & CO,)
P.C.,)**

Defendants.)

Case No. CIV-11-520-D

ORDER

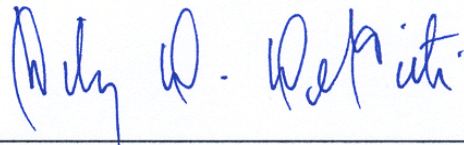
Before the Court is Defendants' Agreed Motion to Extend Time to Answer Plaintiffs Northumberland County Retirement System and Oklahoma Law Enforcement Retirement System's ("Plaintiffs") Petition [Doc. No. 35]. Defendants seek an extension of time until 45 days after the Court rules on Plaintiffs' motion to remand the case to the District Court of Oklahoma County.

Defendants removed this action on May 12, 2011, and their answers to the Petition were due on May 19, 2011. If Plaintiffs move to remand the action, the motion to remand will be due on June 13, 2011. Defendants ask that the Court extend their answer date until 45 days after the Court rules on the potential motion to remand. Plaintiffs have no objection to that request.

Although the Court will grant an extension of time, the requested extended period is excessive, dependent upon an uncertain occurrence, and seeks an indefinite answer date. Plaintiffs have not yet filed a motion to remand. Even if Plaintiffs do so, the briefing on that motion will not be complete for some time. Given the numerous other matters currently pending before the Court, the Court cannot determine with any certainty when a ruling may issue on a motion to remand, if that motion is filed.

For these reasons, the Court will grant Defendants a 30-day extension of time in which to file their answers or other responses to the Petition. Defendants' answer or other response are due not later than June 20, 2011.

IT IS SO ORDERED this 19th day of May, 2011.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE